



July 28, 2020

The Honorable Tom Wolf
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf,

On behalf of the undersigned organizations, we write to respectfully request that the Commonwealth take additional steps to provide liability protections to those entities which provide public education to our commonwealth's students in order to shield such institutions from being held responsible for perceived or unintentional exposure to Covid-19.

As you know, the education community is facing difficult circumstances and is spending significant time, effort, and resources toward bringing our students and staff back to school, as required by the state, in the safest manner possible. As Pennsylvania slowly and cautiously reopens, public schools, Intermediate Units, Career and Technical Centers and other schools will need enhanced protections in order to protect taxpayers from opportunistic lawsuits that will increase local taxes and lead to further school budget cuts which will have a severely negative impact on the opportunities and education that students will receive. Even unsuccessful lawsuits can require a significant amount of taxpayer dollars to fight. Public schools should not have to plan for lawsuit mitigation while they are attempting to do their best to protect the students and staff in their care. The failure to extend liability protections to public schools to cover the impacts of this crisis will have the additional negative effect of increasing liability insurance costs, where such costs will even be covered by insurance companies, which may be impossible to finance for some public schools with already limited resources.

This pandemic has required rapid decision-making at times, and now continues to require local public school leaders to make health-related decisions that may impact students and employees. Recognizing that this type of liability protection should be carefully balanced, we assure you that we are not looking to protect willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the safety of individuals.

Pennsylvania public schools need protection from lawsuits alleging exposure to Covid-19 so that they can affectively re-open without worrying about being financially crippled or shut down as long as they do their best to implement the guidelines laid out for them. We appreciate your attention to this important issue and urge you to take immediate action to protect our public schools.

Sincerely,

Nathan G. Mains
PSBA Chief Executive Officer

Mark DiRocco
PASA Executive Director

Jacqueline L. Cullen
PACTA Executive Director

C: Mike Brunelle, Chief of Staff